

Group I. Claims 2-13, drawn to a nucleic acid molecule encoding a protein, vectors containing it in sense orientation, methods for their use to transform plants, and the resultant plants;

Group II. Claims 14-20, drawn to a less than full length gene; or

Group III. Claim 1, drawn to a protein.

Applicants respectfully traverse.

Applicants respectfully submit that the present claims form part and parcel of a single inventive concept and should therefore be examined together. Applicants further submit that restriction is an Examiner made tool and thus, it is at the Examiner's discretion to utilize restriction. Accordingly, Applicants respectfully request that the Examiner rejoin all claims and consider them in their entirety.

However, in order to further prosecution and to be fully responsive to the outstanding Office Action, Applicants hereby elect Group I, claims 2-13, with traverse.

#### Sequence Listing Requirements

Applicants are submitting concurrently herewith an Amendment Supplemental to Sequence Listing as well as a paper and disk copy of a Substitute Sequence Listing.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By: 


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